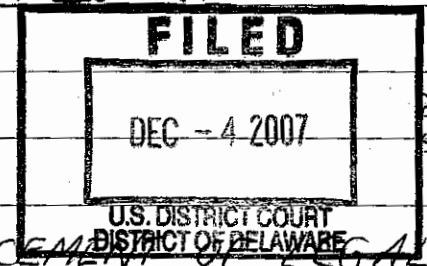


IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE STATE OF DELAWARE

Kevin L. Dickens
Plaintiff,
v.
Stanley Taylor, et al.
Defendants.

201
Civ. A. No. 04-~~200~~-JJF



MOTION FOR RETURN AND REPLACEMENT OF LEGAL
BOOKS, DOCUMENTS, AND MATERIAL WITH CONTEMPT
ORDER AND RESTRAINING ORDER/INJUNCTION

Plaintiff, Kevin L. Dickens, hereby moves this Honorable Court to issue order to Defendants in the above case to return and replace Plaintiff's legal books, documents, and material that Defendants destroyed the week of July 25-Aug 1, 2007. In addition, Plaintiff requests that this Honorable Court issue a contempt order and restraining order/injunction against Defendants who destroyed said legal material. Plaintiff requests these motions and orders for the following reasons:

1. Plaintiff filed this lawsuit in March, 2004, against Delaware Correctional Center (DCC) guards and administrative staff for numerous claims, including assaults and denials of medical care and legal access.

2. In retaliation, Defendants instigated at least five brutal assaults against Plaintiff in a month from July 25-Aug 23, 2007, including one with k-9 unit dog. As a result of these acts of brutality, Plaintiff was charged with five counts of criminal assault. No prison guards who attacked Plaintiff were charged criminally.

3. After the initial assault on July 25, 2007, Plaintiff learned that Deputy Warden and Property Officers had destroyed all of Plaintiff's legal books, documents, and material that Plaintiff had accumulated over past six years. The documents and material were enough to fill two cardboard boxes, approximately 2'x1' square. Included in legal documents and material were Plaintiff's legal notes and tablets, thousands of pages of court transcripts for various criminal and civil appeals, court filings of pending criminal and civil cases, and Georgetown Law Journal (2004) that Plaintiff used extensively for cited legal reference. The legal documents and material were destroyed by prison guard who poured urine and feces on them in retaliation against Plaintiff.

4. As a result of this legal sabotage, Plaintiff has no copies of court filings in this particular case. In addition to motion for return and replacement of legal documents, Plaintiff requests that this Court send new docket and copies of court filings in this case (only original complaint, not amended complaints). Also, Plaintiff requests that Delaware Correctional Center (DCC) legal staff persons Mike Little and Brian Engram be ordered to replace destroyed Georgetown Law Journal (2004) with same year or later edition.

FOR THE FOREGOING REASONS, Plaintiff requests that this Honorable Court grant him motion for return and replacement of legal documents. In addition, Plaintiff requests contempt order and restraining order against DCC staff for retaliation.

December 1, 2007

Dated

Kevin L. Dickens

Kevin L. Dickens, Pro Se

DCC - SHU 18

Smyrna, DE 19977

CERTIFICATE OF SERVICE

The undersigned, Kevin L. Dickens-Plaintiff, does hereby certify that he mailed one copy of enclosed Motion For Return and Replacement of Legal Documents and Material with Contempt Order and Restraining Order (Injunction to the following person(s):

Deputy Attorney General
Civil Division

820 N. French Street
Wilmington, DE 19801

December 1, 2007

Dated

Kevin L. Dickens

Kevin L. Dickens, Pro Se

DCC - SH4 18

Smyrna, DE 19977